

## DEPARTMENT OF CONSUMER AFFAIRS

### BOARD OF REGISTERED NURSING

#### Proposed Language

Proposed changes are shown by underlining for new text and ~~strikethrough~~ for deleted text.

#### UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES

Section 1444.5 of Division 14 of Title 16 of the California Code of Regulations is amended to read:

#### **§ 1444.5. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall ~~consider the disciplinary guidelines~~ entitled comply with the "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines" (Revised February 2011) entitled: "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (10/02) which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards are required mandatory consequences that apply to an applicant or licensee who has a substance abuse disorder. Deviation from these the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation; -for example: the presence of mitigating factors; the age of the case; evidentiary problems. An administrative law judge may not impose any conditions or terms of probation that are less restrictive than the Uniform Standards Related to Substance Abuse where an applicant or licensee has a substance abuse disorder.

NOTE: Authority cited: Section 2715, Business and Professions Code.  
Reference: Sections 315, 315.2, 315.4, 2750, 2759, 2761 and 2762 960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Section 11400.20 and 11425.50(~~e e~~), Government Code.